

REMARKS

The Examiner has objected to Claims 11 and 36 as using the term "elongated member" without antecedent basis in the specification. Accordingly, Applicant has amended Claims 11, 23 and 36 to properly refer to first through fifth protuberance members, as previously disclosed in the specification on Page 8, line 20, and Page 9, line 10. Entrance of the aforesaid amendment is respectfully requested.

The Examiner has rejected Claims 1 through 3, 9, 10, 26-28, 34, 35 and 38 under 35 U.S.C. 103(a) as unpatentable over the patent of Kapperman et al., U.S. Patent No. 6,004,032, in view of Tomic, U.S. Patent No. 5,403,094. The rejection is respectfully traversed.

The Examiner has stated that the reference of Kapperman discloses the general combination of a releasable fastener for sealing a closing bag comprising first and second continuous elongated profile strips, each of said strips having first and second hooks disposed adjacent each other in the one end of the strip, wherein the hooks defining a plurality of recesses dimensioned to interlock with the hook of the opposite strip for sealing said bag, including at least one recess formed on each of said strips and dimensioned not to receive a hook, but a post or projection, except for the hook member having a half arrowhead-shaped tip, a concave tail and a generally upstanding neck connecting the tip and the tail.

Applicant respectfully submits that the patent of Kapperman discloses a tamper-evident closure arrangement and method. If access is desired to the package interior, one of the male or female profiles breaks to prevent a resealing of the package. Alternatively, the package walls may be torn to gain access or the male and female profiles are deformed such as they no longer mate. Claims 1, 26 and 38, and all the claims depending therefrom, include the limitation of being resealable. In Claim 1, the recesses are dimensioned to resealably mate with one of the

first or second hooks on the opposing strip, and in Claim 26 the same. In Claim 38, the reclosable fastener for resealably closing a bag and the fastener forms an airtight and watertight seal. In point of fact, all of the aforesaid claims include the additional limitation of being airtight and watertight. Obviously, Kapperman's fastener, after being broken, is no longer airtight and watertight. The Examiner states that Tomic discloses first and second profile strips for sealing a bag, each of the strips having a plurality of hooks, each of the hooks comprising a half arrowhead-shaped tip, a concave tail and a generally upstanding neck connecting the tip and the concave tail together forming a tight interlocking seal for the bag.

Tomic, although it discloses a combination of hooks and posts, also discloses, as seen in Figures 3, 4, 5 and throughout the drawings, intermittent openings or gaps, described as transverse notches 32 across the locking members. Because of these notches, the reclosable fastener of Tomic cannot be airtight and watertight. Accordingly, in view of the amendments to the specification and claims, and the arguments set forth herein, Applicant respectfully request reconsideration and allowance of Claims 1-38.

The Examiner is requested to please contact Applicant's attorney if there any further questions or comments in regard to this amendment at (312) 609-7848.

Respectfully submitted,

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In the Drawings:

In Figure 1, please correct the location of Item Nos. 63 and 49 and the lead lines for Item Nos. 62" and 72'. The Examiner has requested that amended drawings be submitted. Accordingly, new drawings of Figures 1, 2 and 3 are attached hereto. Attached is also a marked-up version of Figure 1 showing the amendments.

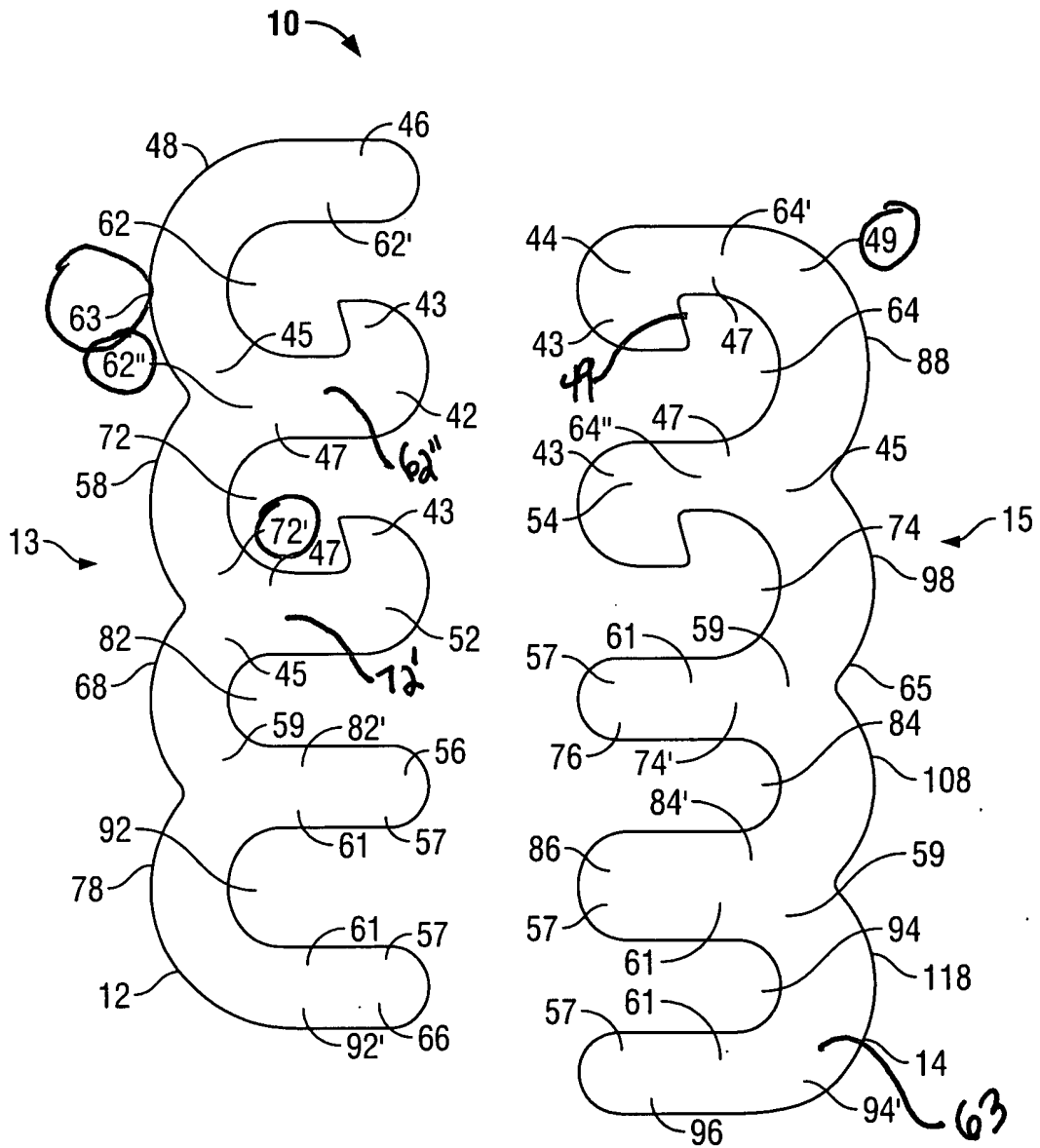


FIG. 1

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MARKED-UP VERSION OF FIG. 1